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The Trusted Integrator for Sustainable Solutions

VIA FEDEX

15 March 2010

Ms. Lynn Vogel, Case Manager
New Jersey Department of Environmental Protection
Bureau of Case Management
401 E. State St.
5th Floor, PO Box 028
Trenton, NJ 08625

Re: Hatco Site
Fords, New Jersey
Program Interest Number G000003943
Response to EPEC Investigation Summary and NJDEP March 11, 2010 NOD

Dear Ms. Vogel:

Weston Solutions, Inc. (Weston) has received the 05 February 2010 response letter provided by EPEC Polymers Inc. (EPEC), which details EPEC's response to Weston's December 2009 letter to the NJDEP. Weston has reviewed EPEC's comments and would like to respond accordingly.

EPEC indicated that Weston disagreed with EPEC's statement that contaminants other than PCBs on the EPEC property were a result of historical Hatco operations. Weston has already indicated that additional sample analyses for bis(2-ethylhexyl)phthalate would be performed, as phthalate-related contamination may be related to historical Hatco operations. However, Weston does not agree with EPEC's assertion that all additional contaminant constituents are related to historical Hatco operations.

Constituents detected on Channel D property include those listed in the table below.

Contaminant	Concentrations at Hatco Site	EPEC's Maximum Detected Concentrations at Channel D Site
Benzene	Up to 53 ppm in soil (840 ppm in lagoon sludge)	Up to 9.79 ppm
Bis(2-ethylhexyl) phthalate	Up to 48,000 ppm in lagoon sludge	Up to 130 ppm
Chlorobenzene	Up to 6.9 ppm in soil (8.4 ppm in sediment)	Up to 908 ppm
1,2-dichlorobenzene	Up to 330 ppm	Up to 4,040 ppm
1,4-dichlorobenzene	Up to 90 ppm	Up to 942 ppm
1,2,4-trichlorobenzene	Up to 0.370 ppm	Up to 259 ppm

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Chlorobenzene

Weston disagrees with EPEC's assertion that low levels of chlorobenzene at the Hatco facility represent a discharge of chlorobenzene by Hatco. Hatco Corporation provided a notebook of chemical summaries prepared by Hatco paralegals, which was drawn from database searches and deposition testimony from Hatco employees. Deposition documents indicate that chlorobenzene was not used at the Hatco site.

EPEC asserts that elevated chlorobenzene levels on the Channel D property must be related to historical Hatco operations, because one sample soil sample on the Hatco site contained chlorobenzene at 7.8 ppm. However, no other concentrations above 0.6 ppm in soil have been detected at the Hatco site, so it is highly unlikely that chlorobenzene concentrations up to 908 ppm in Channel D soils are related to Hatco operations. Similarly, no chlorobenzene was detected in historic sludge samples collected from the lagoon. The chlorobenzene contamination is more aptly attributable to historic Nuodex operations on the EPEC property, which has documented elevated concentrations of chlorobenzene in both soil and groundwater, adjacent to the Channel D property. Additionally, a list of Nuodex's stored products and raw materials suggests that chlorobenzene contamination could be attributed to those products.

Therefore, Weston does not believe that any of the chlorobenzene on the Channel D property can be attributed to historical Hatco site operations.

Other Chlorinated Compounds

EPEC has indicated they believe the Hatco lagoon sludge to be the most likely source of chlorinated contamination on the Channel D property. While both 1,2-dichlorobenzene and 1,4-dichlorobenzene were detected in samples collected from the Hatco lagoon sludge (at 330 ppm and 90 ppm, respectively), a review of non-sludge sample data indicates that neither of these compounds is widely distributed across the Hatco site. The maximum concentrations of samples collected at Channel D by EPEC for 1,2-dichlorobenzene and 1,4-dichlorobenzene are 4,040 ppm and 942 ppm, respectively, more than an order of magnitude greater than concentrations in the lagoon sludge. Additionally, although 1,2,4-trichlorobenzene was detected in Channel D samples by EPEC in concentrations up to 259 ppm, the Hatco sludge contained concentrations up to 0.370ppm.

Based upon this evaluation of data, Weston does not believe that any of the 1,2-dichlorobenzene, 1,4-dichlorobenzene or 1,2,4-trichlorobenzene on the Channel D property can be attributed to historical Hatco site operations.

Coal Tar

Weston is currently evaluating both existing soil data and historical Hatco site records to determine if the coal tar feedstocks utilized at the Hatco site could be the possible source of coal tar present in Channel D. Initial results indicate that the Hatco site is not the source of this material. There is no visible presence of coal tar north of Industrial Avenue, upgradient from the coal tar-impacted portion of Channel D.

Until recently, EPEC maintained that a Conrail spill was the source of the coal tar material on the Channel D site. However, EPEC has not attempted to perform additional follow-up with Conrail as the suspected responsible party for this material. Initial EPEC calculations indicate that the coal tar-impacted area contains approximately 100,000 gallons of coal tar material.



Weston is continuing to evaluate boring log information to determine if the historic Muck Area or southwestern corner of the Hatco site contains any suspect material which could indicate the presence of coal tar. Should any suspect material be identified in these locations, Weston has proposed to collect fingerprint samples for laboratory analyses. Weston has requested that EPEC collect additional samples of the Channel D material for the same analyses, utilizing the same laboratory as Weston, to determine if the coal tar on the Channel D property is possibly the same as material found on the Hatco site, if it is determined to be present. Weston is currently awaiting a response from EPEC on this issue, and is also evaluating whether coal tar has historically been utilized at the EPEC property.

Potential LNAPL Presence

Based upon a review of site conditions and available documentation, it is unlikely that any sheen on the Channel D property (designated as LNAPL by EPEC) is related to the Hatco site. However, Weston is currently evaluating groundwater contaminant distribution across the Hatco property to ensure there is no potential contaminant release to surface water in Channel A or B that would result in a visible sheen downgradient.

Weston received a Notice of Deficiency (NOD) from the NJDEP regarding the sheen within the channels, based upon a draft report developed by Edison Wetlands. Weston maintains that the "sheen" noted in the channels is not resultant from Hatco site operations or historical site contamination. Weston believes the sheen to be natural and asks that the NJDEP or EPA confirm or refute that claim based upon visual observation or other means. The information provided by the Edison Wetlands report is not sufficient to conclude that the sheen is attributable to LNAPL. However, Weston will install the silt fence and other control measures at this time in response to the NOD, as an element of the proposed Soil Erosion and Sediment Control Plan (SESCP), in preparation for site remediation activities.

Benzene in EPEC Wells

Previous documentation submitted to the NJDEP (2005 Consolidated RAWP, Figure 3-22 and subsequent Weston submissions) shows that the LNAPL plume has been delineated and is not present in permanent or temporary well points along the western or southern Hatco property borders. Low levels of benzene contamination have been detected in shallow groundwater across the main production area, and historical interpretations of benzene in groundwater (1991 – 1998) depict benzene contamination impacting the northern portion of Channels A and B. However, Weston does not believe this shallow groundwater contamination is related to any sheen ("LNAPL") expressed along the extents of Channels A, B or D.

Additional low-level benzene contamination has historically and inconsistently been detected in monitoring wells adjacent to the former lagoons, but has been non-detect during historical sampling at monitoring well B25S on the Channel D property. Therefore, Weston feels that EPEC's recent claim that Hatco's historical site operations have resulted in benzene groundwater contamination in Channel D are unfounded. Weston's argument is strengthened by the fact that benzene is present in groundwater at the EPEC site in concentrations up to 230 parts per billion (ppb).

Potential Transport Mechanisms

Available documentation obtained through an NJDEP file review indicates that Nuodex was issued a NPDES permit in 1985 for the discharge of stormwater runoff to Black Ditch and Slingtail Creek. Slingtail Creek runs 0.25 miles northeast of the EPEC site and discharges into the Channel D property. In 1988, Nuodex received an unacceptable rating in their surface water discharge during an NJDEP



Compliance Inspection Evaluation. Stormwater runoff travel northeast to Slingtail Creek would serve as an effective means of contaminant distribution.

Additionally, during a February 2010 meeting between Weston and EPEC, EPEC disclosed that a berm was constructed along the western border of the Channel D parcel in the mid-1960s to prevent backflow from Channel D during storm events. EPEC indicated that general overland flow direction was from Hartmann's Pond east toward Channel D prior to construction of the berm. The former Nuodex site began chemical manufacturing operations as Norvel Chemical in 1926, well before the date of berm construction. Since remedial investigations performed at the EPEC / Nuodex site indicate contamination is present in Hartmann's pond and across surficial soils on the Nuodex site, one can reasonably ascertain that overland flow from the Nuodex site onto the Channel D parcel could have resulted in the spread of contamination.

Path Forward

Weston has developed and presented to EPEC a field sampling plan to better define the extent of PCB and BEHP contamination near Channel D that was identified by EPEC; once EPEC has concurred with Weston's approach, the sampling plan will be submitted to NJDEP for review. EPEC has indicated that Weston should collect samples and analyze for all the contaminants listed above, which Weston has concluded are not related to historical Hatco operations. Weston and EPEC are in the process of negotiating to achieve a consensus in this matter. Weston will initiate field activities once the plan has been approved by NJDEP.



If you have any questions or concerns, please do not hesitate to contact me directly at 732-417-5834.

Very truly yours,

WESTON SOLUTIONS, INC.

A handwritten signature in black ink, appearing to read "Dan Kopcow", written in a cursive style.

Daniel R. Kopcow, P.E., PMP
Project Manager

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